

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

CHAYLA LESLEY MADSEN,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

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EP-22-CV-00276-DCG

DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendant, United States of America files this Unopposed Motion for Extension of Time within which to answer, plead, or otherwise respond to Plaintiff’s Complaint in the above-entitled and numbered cause, and would respectfully show the Court the following:

1. On August 11, 2022, Plaintiff filed her Complaint under the provisions of the Federal Tort Claim Act, 28 U.S.C. § 1346(b) and 28 U.S.C. § 2671 *et seq.* ECF No. 1.

2. The United States Attorney’s Office received service of the Complaint on August 16, 2022.¹ Defendant’s deadline to answer, plead, or otherwise respond to Plaintiff’s Complaint is currently October 17, 2022.²

3. Plaintiff alleges in her Complaint that the Army is liable for a sexual assault perpetrated on her by her father, former Staff Sergeant (SSG) Randall Hughes, in March 2020 while she lived with him on Fort Dix in New Jersey. *See generally* ECF No. 1.

¹ Defendant does not waive any defenses it may have regarding service of process.

² The Civil Process Clerk received service on or about August 16, 2022. Sixty days after service would be Saturday, October 15, 2022. Pursuant to Federal Rule of Civil Procedure 6, Defendant’s deadline to answer, plead, or otherwise respond to Plaintiff’s Complaint is therefore, October 17, 2022.

4. Plaintiff claims specifically that the Army allegedly failed to properly investigate, prosecute, and warn her about earlier sexual assaults allegedly perpetrated by SSG Hughes on an unrelated adult. *Id.*, pp. 10-12.

5. The allegations in Plaintiff's Complaint span several years, beginning in 2017. Plaintiff's claims also span geographically and involve events that occurred in multiple locations, including at least two military bases in different states (Fort Bliss, Texas and Fort Dix, New Jersey). Because of the nature and breadth of Plaintiff's claims, the documents surrounding the various timeline of events are voluminous.

6. The undersigned continues to work with the Army to obtain the necessary documents and materials related to Plaintiff's claims. Defendant needs additional time to thoroughly review the documents, materials, and properly respond to Plaintiff's Complaint.

7. Therefore, Defendant respectfully requests an extension of forty-five (45) days, up to and including, November 28, 2022, to answer, plead, or otherwise respond to Plaintiff's Complaint.

8. This is Defendant's first motion to extend the deadline to file a response or answer in this matter.

9. This request for extension of time is not made for the purpose of unnecessary delay or prejudice, but so that justice may be done.

10. The undersigned counsel conferred with Plaintiff's counsel, and he does not oppose this motion.

Defendant respectfully requests that this Unopposed Motion for Extension of Time be granted in all things and prays for such other and further relief to which Defendant may show itself to be justly entitled.

Respectfully submitted,

ASHLEY C. HOFF
UNITED STATES ATTORNEY

/s/ Natasha D. Hines

NATASHIA D. HINES

Assistant United States Attorney

Florida State Bar No. 89072

700 E. San Antonio, Ste. 200

El Paso, Texas 79901

Telephone: (915) 534-6555

Facsimile: (915) 534-3490

Email: Natashia.Hines@usdoj.gov

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of October, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will transmit notification of such filing to the following CM/ECF participant: Guy G. Fisher, Provost Umphrey Law Firm, LLP, and Lynn A. Coyle, Coyle & Benoit, PLLC *Attorneys for Plaintiff*.

/s/ Natasha D. Hines

NATASHIA D. HINES

Assistant United States Attorney

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ORDER

On this date, came on to be considered Defendant's Unopposed Motion for Extension of Time within which to answer, plead or otherwise respond in the above-entitled and numbered cause. The Court, having considered Defendant's motion, is of the opinion that said motion should be and is hereby GRANTED.

THEREFORE, IT IS ORDERED, that Defendant will answer, plead, or otherwise respond to Plaintiff's Complaint on or before _____.

SIGNED on this ____ day of _____, 2022.

DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE